

AT JUSTICE'S THRONE

Matters Referred to the District Court for Adjustment.

THE PENROSE MURDER CASE

Hearing of the Motion for a Change of Venue Continued—The Grist of the Divorce Mill.

BUTTE, Feb. 6.—The motion of the state for a change of venue in the Penrose murder case was set for argument on next Monday before Judge Pemberton, but it will probably again be continued on account of the illness of one of the defendants. Attorney Thompson Campbell this morning read to the court a telegram from a physician at Boise City, stating that Phil Hickey is suffering from the grippe and will not be able to leave for Butte for at least a week yet. Judge Pemberton stated that he saw an announcement of Mr. Hickey's illness in a dispatch to the STANDARD yesterday, and he thought the case would have to be held in abeyance by consent and continued on Monday if Mr. Hickey will be unable to be present. The case has once before been continued on account of the illness of Eugene Kelly.

The Receiver Discharged.

Judge Pemberton occupied Judge McHatten's chair long enough this morning to render a decision on the motion to vacate an order made by his recently appointed receiver for the Miners' Lumber company. The motion was argued on Thursday by Attorney James Forbes and Judge Kirkpatrick, who held that it was not within the jurisdiction of the district court to appoint a receiver under the showing and facts in the case. The matter was taken under advisement until this morning, at which time the judge stated that upon reading the authorities submitted to him on the question he became satisfied that the order heretofore made appointing a receiver was improper and not within the jurisdiction of the court. The order was consequently set aside as well as all other proceedings in the case. Attorney Campbell took exception to the court's ruling and will take an appeal. According to the decision the attorney general is the proper person to bring a suit against the lumber company for the forfeiture of its charter, and the suit must be brought in the name of the state. It is possible that this course will not be pursued by Mr. Thompson, although a criminal action is also threatened.

Divorce Proceedings.

The divorce case of Lena Hendriksen against Martin Hendriksen came up before Judge Pemberton this morning on an order to show cause why the defendant should not be taxed for alimony pendente lite. Thompson Campbell appeared for the plaintiff and Attorney General Haskell for the defendant. In his statement Mr. Campbell set forth that the action for divorce was brought on the grounds of desertion and failure to support. The plaintiff also asked for the custody of several minor children. Some time ago Hendriksen commenced suit for divorce against his wife on the ground of adultery, but when she applied to the court for alimony from her husband to fight the case he withdrew the complaint and left town with two of their children, after which the woman brought suit. Mr. Haskell objected to Campbell going so far outside the case before the court and he closed his address. Mr. Hendriksen then filed an answer to the suit for divorce and also made a cross complaint. The answer admits that the plaintiff and defendant have lived in Montana since 1885, but denies that she has always conducted herself in a true and wife-like manner toward her husband, or that he abandoned her and willfully lived apart from her or that he refused to support her. He says she is not a proper person to be in control of the children. In his cross bill Hendriksen relates that Lena and he were married Oct. 12, 1882, and that on or about March 25, 1889, she disregarded her marriage vows and deserted him, remaining away for one whole year, and still lives apart from him. In an affidavit opposing the application for alimony, Hendriksen says that he lived with his wife in Butte for 11 months in 1888 and 1889, and working as a machinist in the Montana Union shops. In March he returned to Glendive, where they had lived before, and where he now is. While in Butte he owned a three-room shack worth \$150, furniture worth \$150, a cow worth \$40, and chickens worth \$17.50; all of which, together with \$60 in cash, he left with his wife, who was to dispose of the property and follow him with the children, but she did not come. About a month later he sent her \$20 and told her to follow him, but again she did not come, and he came to Butte to see what was the matter. She told him that she intended to run a railroad section house and make \$400 a year, which she intended to return to the old country. She voluntarily gave him two children under 10 years of age, and he returned to Glendive with them. During the following winter he and the children were both sick and he contracted a big doctor's bill and went into debt to the amount of \$140. On July 14, 1890, Mrs. Hendriksen came to Glendive and stole the children. He had her arrested and got the children back, after which he asked her to come and live with him again. This she promised to do in the presence of three witnesses, and said she would come to Butte to get the other children and then return to her husband. But she failed to keep her promise and did not show up again. Hendriksen says that if he was ordered to pay her alimony he would be compelled to borrow it, as he was only earning \$2.75 a day. The court, after hearing the reading of the answer and affidavit, ordered that Hendriksen pay his wife \$25 a month until the further order of the court.

The next divorce case was that of the Morrions on a motion for a new trial. Thompson Campbell, for the defendant, argued that they were entitled to a new trial on the ground that the verdict was not justified by the evidence. The judge did not care to hear any argument from the other side, and stated that he did not feel justified in going behind the verdict, unless it had been given right in the face of the evidence, which was not the case. The motion was, therefore, overruled and a decree of divorce ordered entered in accordance with the verdict of the jury. Mr. Campbell again took exceptions, and as nothing was said in the decree about the children he asked that they be given to the husband. The court declined to make an order until the case was finally settled, except that the children should remain within the jurisdiction of the court.

Referee Wines, in the divorce case of Allie Homersly against William Homersly, filed his report today. The plaintiff testified that she was married to the defendant in Emmet, Idaho, and that he deserted her June 10, 1891. Prior to that time he was guilty of extreme cruelty toward her, and on May 25, 1891, he struck her with a shovel, and choked her and threatened to kill her. She also said that he is an habitual drunkard, and not a fit person to have the custody of their child, Ray. A decree of divorce was submitted.

On motion of the attorney for the plain-

tiff, the case of Eliza J. Dawe vs. Joseph Dawe was dismissed at the costs of the plaintiff.

Other Court News.

The demurrer in the case of the Chinese doctor, Wong Tuck Kim, was again postponed for hearing until next Saturday. In Department I, a motion was filed to have the answer stricken from the file in the case of the Butte Hardware company against the Silver Lead Mining company, on the ground of defective verification.

The suit for claim and delivery of Lewis Stethemmer against Cummings & Griffith, was dismissed and settled at the plaintiff's costs.

Demurrers have been filed in the cases of Clark Bros. against Joseph Ramsdell and others, and were set by Judge McHatten for hearing next Saturday.

In the matter of the estate of James J. Murphy, deceased, the final settlement of account was continued until next Saturday.

The will of F. G. Bickell, deceased, was admitted to probate and an administrator appointed.

Hearing on the petition for a partial distribution of the estate of John Nealon was continued until next Saturday.

The motion to dismiss the appeal in the case of Donald W. McIntyre against John Murish was continued until Feb. 18.

The demurrer in the case of the Montana Line and Flux company against C. J. McSherry was overruled and the defendant granted 30 days to file an answer.

The demurrer in the case of Lee W. Foster vs. John Leggat was set for hearing next Saturday.

In the case of Bennett Bros. vs. John E. Lloyd et al., the demurrer was overruled and the defendants granted 10 days to file an answer.

M. Wheeler vs. E. D. Williams, demurrer, set for hearing Feb. 13.

An alias summons was ordered issued in the case of W. A. Clark vs. John O'Connor.

The case of E. L. Mahoney vs. John G. Wiggins was ordered dismissed and settled at the costs of the plaintiff.

An amended complaint was filed today in the damage suit of Peter Vast against the Montana Union Railway company.

Two new suits were commenced in Department I today. The first was brought by James Tuohy against Antoine Marceau for the foreclosure of a mortgage on one-fourth of lot 18, Noyes & Upson's addition, given to secure a note for \$500, which is overdue. The plaintiff also asks for \$100 as attorney's fees and for costs.

The other suit was commenced by Jerome B. Paxton against John C. Carter for \$333, due for labor performed for the defendant by Paxton, Frank Harlin, S. Perrin, William Loyte, Ed Keleman and James Shaw. The others assigned their claims to the plaintiff. Attachments were issued in both suits.

SOME OF THE THINGS

People in Butte Would Like to Know.

Why the Combination gambling house doesn't have to pay license as a lodging house?

Why Butte milk doesn't give cream?

Whether the Eighth ward will again die in committee before it is born?

Why an ordinance is not passed compelling hack drivers to blanket their horses when the thermometer is 20 degrees below zero?

Whether the city should not advertise for bids for furnishing a pure supply of milk?

Why the Chinese flag is allowed to wave in Chinatown unaccompanied by a United States flag, when all other national flags can only appear with the stars and stripes above them?

Whether the state militia will be ordered out and whether they will come if they are ordered?

When the expenses on the new city hall will stop, if ever?

Whether the Butte City Water company has lost its sense of the lapse of time?

Whether the people's party will put a ticket in the field at the spring election?

Bellamy Place Adjoining the Queen of the Gullies.

Edward Bellamy, when he wrote "Looking Backward," would have been enchanted to have known that there was such a beautiful place as the Gullies valley in which to locate a colony. He would take his book as a guide. Men who have traveled the United States over have selected a beautiful tract of 230 acres cornering on the city of Bozeman to establish a Bellamy colony. The Bozeman Syndicate have had this plan in view all along and are now satisfied to make it public. It has sold to over 130 people and expects to sell at least 500.

"Looking Backward" will be taken on as a guide: a public kitchen will be built and flats constructed; large garden tracts will be laid off. The question will be submitted to the purchasers at the Butte office on April 29, whether they will form an addition to Bozeman or a separate town to be known as Bellamy Place. There are many advantages in the latter, more as it would have complete control of its own affairs, and would thus escape many evils that an old corporation formed under the common plan has fallen into.

The colony will support itself by establishing creameries, cheese factories, meat canneries, candle factories, tanneries and stock raising, together with strawberry growing and gardening. Poultry raising could not have been better. One thousand five-acre tracts, belonging to the state, adjoin the townsite on the east. This will be bought by members and used for gardening, while their homes will be built near the public kitchen. Poultry raising will be encouraged and fine stock raising. There are thousands of acres of grazing lands within three miles that will always be public lands; thus the colony will have the advantage over all other colonies, as all the land will have to be put in land will be for their lots, which will cost them from \$10 to \$50 each.

If the meeting on April 30 votes to have a separate town, there will be a spur built from the Northern Pacific railroad, a distance of only one mile to the new city, but if it votes to become a part of the city of Bozeman, a street car line will be built. After May 1 no lot will be sold to parties without they take at least \$500 worth of stock in some of the enterprises inaugurated by the management. Parties who have purchased and who purchase before May 1, will be asked to take stock in the different enterprises, and no doubt will be glad to do so. The scheme is backed by the best heads that money can procure, and capital is not lacking.

Butcher lots will be sold for \$50 each; corner lots \$100. Coal can be purchased for \$3 per ton; fine brick clay is found on almost every lot; brick houses will be the rule.

Miners in the surrounding mining camps will be glad to avail themselves of such a chance to get a permanent home in all that the word implies.

Teachers will be glad to build a home where they may spend their vacation among the best "outing" places in this world.

Men who follow out Edward Bellamy's theory deserve all praise. Mutual benefits encourages love; love brings happiness; happiness is all that we can have in this world.

Washington camp, No. 18, P. O. S. of A., will celebrate Washington's birthday, Feb. 22, by giving a grand ball at Renshaw hall, and to which all respectable people are invited. The music will be furnished by Van Orton's orchestra, a guarantee that it will be first-class. Tickets are on sale at all local places and can be obtained from members.

IT WAS A JOLLY CROWD

A Night of Sport for the Fire Boys and the Result.

HELD A SPECIAL MEETING

Judge McMurphy Misses Some Valuable Papers—What an Investigation Revealed—Firemen Exonerated.

BUTTE, Feb. 6.—The fire department held a special meeting to-night for the purpose of investigating some rather serious charges made against the department as a body and as individuals. President Campbell occupied the chair and stated that the meeting had been called on a complaint made to him by the president of the Firemen's association, Harry McMurphy, charging the department as a body with having taken possession of the police court room last Tuesday night and conducting themselves in a drunken, boisterous and outrageous manner; that the police magistrate's desk had been broken open and papers of great value and importance taken from it, and are still missing, and that the desk had been danced upon by some, leaving the marks of foot heels upon it, for which the judge held the department responsible.

"Upon the charge by the police judge I called this meeting," said the chairman, "so that if they are found true the department can deal with the guilty members as it sees fit."

One of the members asked whether the charges had been made in writing and upon being informed that they had not, he moved to adjourn, but the chairman refused to entertain such a motion until an investigation of some kind was made that would either show up the guilty parties or exonerate the department.

Assistant Fire Marshal Cameron moved that all members of the department who were present at the drinking party in the police court room stand up and be counted. The motion carried and 20 of them stood up.

Judge McMurphy was present, and again stated the grounds for his grievance. He said that on Wednesday morning he had made a verbal complaint to the chief and the president of the department that, according to his information and belief, the members after the meeting on Tuesday night adjourned to his room to drink beer, to which fact he had not objected; but the next morning he found papers of value to the amount of nearly \$3,000 missing, and papers out of four sets, representing over \$200, lost, together with the accounts of others and the blotter from which he made up his docket. He saw the imprints of shoes on his desk, where someone had evidently been dancing. Mr. McMurphy did not know that the members of the fire department were responsible for the damage and the stolen papers, but under the circumstances he thought it best to give themselves an opportunity to exonerate themselves and assist him in locating the blame. He had adjourned the department as a body adjourned its business meeting on Tuesday night from the council room to the police court to drink beer. The latter assertion Secretary Graves denied, and in the absence of the minutes of that meeting, stated positively that the meeting had adjourned when some one announced that a keg of beer was awaiting the boys in the court room.

Upon the statement made by the secretary and endorsed by other members, the chair ruled that the department as a body had nothing to do with the carnival, but as members they were in honor bound to continue the investigation.

Chief Murray stated that he had investigated the charges, and every one present at the affair denied that any one had danced on the desk, or disturbed the papers in it, and that all were indignant at the charge that a drawer had been broken open. Some of the members did take some papers from the top of the desk and put them in an open drawer to protect them from the desk, and others did not, but drink, sing, tell stories and make speeches. The chief did not believe that any member of the department had anything to do with the missing papers.

A number of the members spoke, similarly on the subject, and all disclaimed having done anything wrong. Julius Jacobs stated that he was the man who put the package of papers found on top of a desk, on the inside. They also put some cigars on the inside for the judge with a card and the compliments of the department. Doors of the court room are always open day and night, and Mr. Burke thought some one stole the papers either revengefully or wantonly before or after the fire boys had their session. He also thought the boys on that occasion were the most decorous lot he had ever seen, and when they adjourned all but one were able to slide down the pole.

After every laddy had his say, the chair put a resolution to the department, denying all responsibility for the damage and the theft of papers, which was unanimously adopted. Judge McMurphy then said that he, too, exonerated the department and its members of any intention to do him or his office any wrong, and concluded by offering a reward of \$100 for the discovery of the guilty party. On motion of E. S. Booth, President Campbell, Chief Murray and Secretary Graves were appointed a committee to assist Judge McMurphy in placing the blame where it belongs.

That ended the investigation, and Judge McMurphy announced that he had been in receipt of several letters from members of the state firemen's board suggesting the meeting in Butte on the 22nd of the month to make arrangements for this year's state tournament, and the meeting will probably be held.

Chief Murray announced that the new badges for the members of the department had arrived and each could secure one upon a deposit of 50 cents, after which the meeting adjourned.

At the African M. E. Church.

BUTTE, Feb. 6.—Special service will be held to-morrow at the African M. E. church, corner of Mercury and Idaho streets. At 11 o'clock in the morning there will be preaching by the pastor, Rev. Charles Cushingberry. In the evening there will be a service song with the following programme:

Ritualistic service by the congregation. Prayer by the pastor.

Organ solo, "Sweet Hour of Prayer," Mrs. C. P. Smith, Mrs. L. Lucas, J. A. White and Professor Watkins.

Chorus, by the choir, "Paradise." Solo, "And Will the Great Eternal God," Mrs. C. P. Smith, Mrs. M. Lucas, Professor Watkins.

Triumphant, "I'll Tell the Great Jehovah," Mrs. C. P. Smith, Mrs. M. Lucas, Professor Watkins.

Chorus, "When the Mists Have Rolled Away," choir.

Soprano solo, "Ashamed of Jesus," Mrs. Lucas, with violin and organ accompaniment. Mrs. J. W. Smith, organist.

We have read bargains in heating and cooking stoves. We do not ask you to buy, only to examine our stock. H. J. Blaine, 78 West Park street.

If you want your demijohn filled go to McCormick & Hughes.

Cataract cured by electricity. Drs. Tam & Tam.

\$10-TILL MARCH 1-\$10

TIME EXTENDED.

WE sold over 500 lots last month without a plat. With the plat we would have sold 1,500. Our plat is now here and we propose to give all parties a chance to get in on the ground floor till March 1, when we will raise them.

Lots on our 100 foot street will be \$15. Call early and get choice.

We're going to stick to it, through thick and through thin, Jay Gould, Sidney Dillon and Russell Sage are in. They build to the coal fields to head the N. P., And we are all "in it" clear up to the knee. With the U. P. and N. P. at Bozeman, the capital in reach, Why should we not make a great big screech? And with whoop and hurrah travel over the State Making everyone happy with choice real estate. Our Ten Dollar Lots are dead on the square, And we will represent nothing but fair.

\$10 TILL MARCH 1.

Bozeman Syndicate,

ST. NICHOLAS HOTEL,
27 E. BROADWAY, BUTTE, MONT.

Ward Medical Co., St. Louis, Mo.
Gentlemen: I have used your Wizard cough syrup in my family; it has accomplished all that you claim. I heartily recommend it to all that are troubled with coughs, colds and la grippe. Truly yours,
C. B. HUFFMAN, Ogden, Utah.
D. M. Newbro Drug Co., wholesale and retail agents, Butte, Mont.

Dr. C. A. Benson, dentist in Lizzie block, does good work at low prices.

Join Leys, the jeweler, watch and diamond club.

Maguire's Opera House

BUTTE, MONT.
JOHN MAGUIRE,
PROPRIETOR AND MANAGER.

Five Nights and Saturday Matinee, commencing

Tuesday, February 9.

First Appearance in Four Years and Grand Reproduction of

William J. Gilmore's

NEW

DEVIL'S

AUCTION

Under the management of Charles H. Vale.

EVERYTHING ENTIRELY NEW.

Gorgeous Costumes, Magnificent Scenery, Beautiful Transformations, New Tricks, New Specialties, Brilliant Calumn Effects.

60 People in the Company.

The Largest Spectacular Organization in America.

Uncomparable in Magnitude, Dazzling in Splendor, Perfect in Beauty.

The Embodiment of Art, Mirth, Music, Grace and Terrible Horror.

The Trans-Atlantic Ballet Troupe, Mile Andre Comtes, Premier.

A Great Company.

GEORGE H. ADAMS,

Louise Dempsey, Victoria Walters, W. B. Bartholomew, Eva Seidie, and many others.

THE SPECIALTIES:

The Wonderful Boshoes.

The Graceful Tropic Family, 8 in Number.

The above Great Production will appear in all its entirety.

PRICES:
Parquette and first three rows Dress Circle \$1.50
Last four rows in Dress Circle 1.00
Gallery .50
Reserve sale opens at Calkins' Saturday, February 6.

Milwaukee Bottling Works

WALLACE, IDAHO

JOHN ZWEIFEL, Proprietor.

Agent for Jos. Schlitz Brewing Co.'s Celebrated Milwaukee Beer.

SODA, SANSAPARILLA, CIDER, ETC.

We Handle Union Goods Exclusively.



Engrave Them Free of Charge.

If you wait very long, you are liable to be too late, as the line is not large.

HIGHT & FAIRFIELD, Jewelers

ANACONDA LIVERY STABLE

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Buggies, Saddles and Horses for Hire.

Also proprietor of Passenger, Baggage and Express Line Connection made with all trains.

Office and Stable, First Street, Anaconda.

HYNES' HOTEL,

PHILIPSBURG, MONT.

—UPPER BROADWAY—

Everything Comfortable and Homelike, and at Reasonable Rates. Good Table, and Clean Well Ventilated Rooms.

MRS. H. HYNES.

MARTIN & FOX,

Dealers in

Fine Cigars, Tobacco and Confectionery

Wholesale and retail dealers in COAL OIL.

ROOMS 16 AND 17 LIZZIE BLOCK,

15 West Park Street, Butte, Mont.

MEN

DR. LIEBIG & CO., the oldest and most reliable Specialists on the Pacific coast, 201 Montgomery street, San Francisco, continue to speedily and permanently cure all chronic, special, private and wasting diseases, no matter how complicated or who has failed. Blood and Skin Diseases, Loss of Vigor and Manhood, Prostatitis, Stricture, etc. Send for Confidential Book explaining why thousands cannot get cured of above diseases and complications.

Dr. Liebig's Wonderful German Investigator, a sure specific for above complaints.

Call or address 8 E. Broadway, Butte, Montana.

IS a life-like picture of a boarding house keeper who availed himself of our Remnant Sale of two patterns in Rogers' Forks and Spoons. He did not take them all. Both are beautiful patterns. The makers discontinued one, and we wish to replace the other with something different. We will sell at wholesale rates and

Engrave Them Free of Charge.

If you wait very long, you are liable to be too late, as the line is not large.

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